

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
Tampa Division
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IN RE:

Chapter 11

KHALIL E. ABDO,

Case No.: 8:18-bk-01699-CPM

Debtor. _____/

UNOPPOSED MOTION FOR ORDER
COMPELLING AND/OR DIRECTING PARTIES TO MEDIATION

COMES NOW, KHALIL E. ABDO (“Debtor”), by and through undersigned counsel, and hereby files this, his *Unopposed Motion for an Order Compelling and/or Directing Parties to Mediation*, and as grounds therefore would state as follows:

1. The Debtor filed his voluntary petition under Chapter 11 of the Bankruptcy Code on March 7, 2013 (the “Petition Date”). The Debtor manages his financial affairs as a Debtor-In-Possession pursuant to §§1107(a) and 1108 of the Bankruptcy Code.

2. The Court has jurisdiction to consider this Motion pursuant 28 U.S.C. §§157 and 1334.

3. The subject matter of this Motion is a “core” proceeding pursuant to §157(b).

4. The statutory predicates for the relief sought herein include, without limitation, 11 U.S.C. §105(a).

5. No trustee or examiner has been appointed in this case and no known official committees have yet been appointed pursuant to §1102 of the Bankruptcy Code.

6. The Debtor is the owner of real property located at 18520 Rustic Woods Trail, Odessa, Florida 33556 (the “Property”) with a Mortgage Loan Number ending in xxx6252. Encore Fund Trust 2013-1 (hereinafter “ENCORE”) holds the note. Counsel for ENCORE consents to the Mediation.

7. The mediation is with the Debtor and his secured creditor, ENCORE (the “Parties”).

8. No previous application or motion for the relief sought herein has been made to this Court, or any other court.

9. The Debtor and ENCORE believe that a mediation would help resolve the underlying issues of secured creditor's claim.

10. In this case the parties consent to Mediation. At the Mediation, each party should be required to present a brief factual and legal outline of each party's position in this case. Each participant should be required to have an individual with settlement authority present for Mediation. The failure of any party to appear and participate in the Mediation should result in a forfeiture of that party's claim or interest in this case. The parties hope a Mediation will produce a cost-beneficial result.

11. This Unopposed Motion is therefore not filed for reasons of delay, nor will it prejudice any party in interest.

WHEREFORE, KHALIL E. ABDO, the Debtor, respectfully requests this Honorable Court enter an Order granting this Unopposed Motion and:

- a. directing the Parties to Mediation;
- b. compelling the Parties to this case to attend and participate in Mediation as a condition precedent to continuation in this case; and
- c. for such other and further relief as this Court shall deem just and proper.

RESPECTFULLY SUBMITTED on this 8th day of March, 2018.

BUDDY D. FORD, P.A.,

/s/ Buddy D. Ford

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Attorney for Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2018, a true and correct copy of the foregoing was sent by ■ CM/ECF Electronic Mail to:

Buddy D. Ford Buddy@tampaesq.com, All@tampaesq.com;

United States Trustee - TPA USTPRegion21.TP.ECF@USDOJ.GOV

and, by ■ Regular U.S. Mail to:

Encore Fund Trust 2013-1, c/o U.S. Bank Trust National Association, Registered Agent, 300 Delaware Avenue 9th Floor, Wilmington, DE 19801

Encore Fund Trust 2013-1, c/o Statebridge Company, LLC, Attn: Borrower Correspondence, 5680 Greenwood Plaza Blvd., Suite100-S, Greenwood Village, CO 80111

Encore Fund Trust 2013-1, c/o Ezra Scrivanich, Esquire, 100 S. Pine Island Rd., Ste. 114, Plantation, FL 33324

Encore Fund Trust 2013-1, c/o Amy Marie Kiser, Esquire, 2313 W. Violet Street, Tampa, FL 33603

Statebridge Company, LLC, c/o InCorp Services, Inc., Registered Agent 5680 Greenwood Plaza Blvd., Greenwood Village, CO 80111

Khalil E. Abdo, 18520 Rustic Woods Trail, Odessa, FL 33556

/s/ Buddy D. Ford

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